

REMARKS

In response to the Office Action dated January 16, 2007, Applicants respectfully request reconsideration based on the attached amendment and the following remarks. Applicants respectfully submit that the claims as presented here are in condition for allowance.

Claims 1-6 are pending in the present application. The Examiner has indicated that claims 1-4 are in condition for allowance. Applicants cordially thank the Examiner for indication of the allowable subject matter. Claims 5 and 6 stand rejected. Claim 5 has been amended. Support for the claim amendments are at least found in the specification, the figures and the claims as originally filed. More particularly, support for amended claim 5 is at least found on page 5, lines 4-6, page 5 line 27 through page 6, line 10 and in FIG. 1 of the application as originally filed.

No new matter has been added by the amendment. Applicants respectfully request reconsideration of claims 5 and 6 based on the amendment and the following remarks.

Claim Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 5 and 6 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention and also as being incomplete for omitting essential structural cooperative relationships of elements. In particular, the Examiner states that it is unclear as to how the device facilitates the determination of the zeta potential. The Examiner has inquired whether the claimed device incorporates a means for measuring amplitude of oscillation of the interface between the electrolyte solution and the mixed solution, and then determining the zeta potential from a standard relationship between the zeta potential and the amplitude. The Examiner further states that a feature that is taught as critical in the specification was not recited in the claims. Applicants respectfully traverse.

In response, independent claim 5 has been amended to recite, *inter alia*, “[a]n apparatus for producing an oscillation of an interface of a fluid for determining a zeta potential generated between a channel wall and the fluid...wherein a width of the T channel corresponding to an oscillation of an interface between the first electrolyte solution and the mixed solutionmeans for

~~measuring an amplitude of oscillation of an interface between the electrolyte solution and the mixed solution~~ is at least as wide as an amplitude of oscillation of the interface between the first electrolyte solution and the mixed solution.”

As such, the claimed device **does not** incorporate a means for measuring an amplitude of oscillation of the interface between the electrolyte solution and the mixed solution, and then determining the zeta potential from a standard relationship between the zeta potential and the amplitude.

Furthermore, independent claim 5 has been amended to incorporate all features which are taught as critical in the specification. In particular, independent claim 5, as amended, recites “wherein a width of the T channel corresponding to an oscillation of an interface between the first electrolyte solution and the mixed solution is at least as wide as an amplitude of oscillation of the interface between the first electrolyte solution and the mixed solution.”

Accordingly, it is respectfully requested that the rejection to claims 5, including claim 6 depending therefrom, be withdrawn.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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